

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QUENTIN LASTER,

Plaintiff,

Case No. 08-10898

v.

Hon. John Corbett O'Meara
Magistrate Judge Paul Komives

GEORGE PRAMSTALLER, *et al.*,

Defendants.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Before the court is Magistrate Judge Paul Komives's report and recommendation dated September 7, 2011. Plaintiff filed objections on September 19, 2011.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

The magistrate judge recommended the dismissal of Plaintiff's complaint against all Defendants except Defendants Audberto C. Antonini and Peter Succiamarri. Having thoroughly reviewed the report and recommendation, as well as Plaintiff's objections, the court adopts the report and recommendation as its own.

It has come to the court's attention that Defendants Antonini and Succiamarri, who are no longer employed by the Michigan Department of Corrections, were never served by the U.S. Marshal. Service was attempted by mail on March 30, 2011, at these defendants' last known

addresses, but was apparently not completed. It is Plaintiff's responsibility to provide proper addresses for service. See Report and Recommendation at 8-9. Plaintiff has not taken action to ensure that these defendants are served. Given the prior attempts at service and the procedural posture of this case, it is not clear to the court whether service can be properly completed. All other claims having been dismissed, the court will DISMISS Plaintiff's claims against Defendants Antonini and Succiamarri WITHOUT PREJUDICE for failure to complete service and administratively close the case. Should Plaintiff provide addresses to the court by **October 21, 2011**, where Defendants Antonini and Succiamarri can be served, the court will order the U.S. Marshal to attempt personal service and re-open the case.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: September 29, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 29, 2011, using the ECF system, and upon Plaintiff at 19383 Voltrobeck Drive, Detroit, Michigan 48219 by first-class U.S. mail.

s/William Barkholz
Case Manager